

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BETTY STAFFNE,

Plaintiff,

V.

UNITED STATES OF AMERICA
and GERSHENSON CONSTRUCTION
CO., INC.,

Defendants.

Case No.

JURY TRIAL DEMANDED

COMPLAINT

COMES NOW Plaintiff and for her cause of action states as follows:

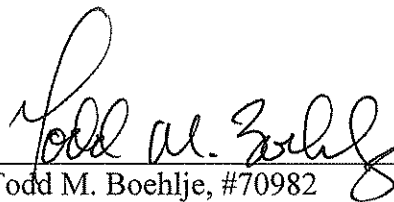
1. Plaintiff Betty Staffne is an individual who resides in St. Charles, Missouri and is therefore a resident of the Eastern District of Missouri.
2. This claim is brought against Defendant United States of America (hereinafter, "United States") pursuant to the Federal Tort Claims Act (28 U.S.C. §2671, *et seq.*) and 28 U.S.C. §1346(b)(1), for money damages as compensation for personal injuries that were caused by the negligent and wrongful acts and omissions of employees of the United States Government while acting within the scope of their employment, under circumstances where the United States, if a private person, would be liable to Plaintiff under the laws of the State of Missouri.
3. Venue is proper in this Court because all of the acts and omissions that form the basis of this claim occurred in the Eastern District of Missouri.
4. Plaintiff has fully complied with the provisions of 28 U.S.C. §2675 of the Federal Tort Claims Act.

5. This suit has been timely filed, in that served notice of her claim on the United States Postal Service on April 11, 2011. This claim was denied on October 6, 2011.
6. Upon information and belief, Defendant Gershenson Construction Co., Inc. (hereinafter, "Gershenson") is a Missouri corporation.
7. Upon information and belief, at all relevant times, Defendant United States was the owner of premises located at 112 S. 5th St., St. Charles, Missouri 63301 (hereinafter, "the Premises"). At all relevant times, the Premises housed a branch office of the United States Postal Service.
8. Upon information and belief, at all relevant times, Defendant Gershenson was performing construction work on and around the parking lot of the Premises.
9. On July 22, 2010, Plaintiff Betty Staffne was an invitee on the Premises when she fell and sustained serious and permanent injuries as a result of tripping over a raised section of sidewalk at the edge of the parking lot.
10. On the aforesaid date, the concrete of the sidewalk of the Premises was raised above the level of the blacktop of the parking lot and, as a result, the Premises were not reasonably safe.
11. Defendant United States knew, or by using ordinary care could have known of the aforesaid condition of the Premises, but failed to use ordinary care to repair it, remove it, barricade it or warn of it.
12. Additionally, or in the alternative, Defendant Gershenson, in the course of performing construction work on the parking lot of the Premises, created the aforesaid condition and therefore knew, or by using ordinary care could have known of its existence, but failed to use ordinary care to repair it, remove it, barricade it or warn of it.

13. As a direct and proximate result of the aforesaid negligence and carelessness of Defendants United States and Gershenson, or each of them, Plaintiff Betty Staffne sustained serious injuries to her face, ribs and left arm, including a fractured humerus which required an open reduction and internal fixation surgery, and substantial pain and suffering, all of which are permanent and will continue in the future.
14. As a direct and proximate result of the aforesaid negligence and carelessness of Defendants United States and Gershenson, or each of them, Plaintiff Betty Staffne has sustained medical expenses in excess of \$30,000.00, and such medical expenses will continue in the future.

WHEREFORE, Plaintiff Betty Staffne prays for judgment against Defendant United States of America and Defendant Gershenson Construction Co., Inc., jointly and severally, for a fair and reasonable amount in excess of \$75,000.00, interest and her costs herein expended.

Respectfully Submitted,



Todd M. Boehlje, #70982
Attorney for Plaintiff
7730 Carondelet Ave., Suite 450
St. Louis, Missouri 63105
(314) 725-3999
(314) 725-9277 – Facsimile
boehljet@yahoo.com